

JUL 15 2008

Application No.: 10/578,237
Amendment dated: July 15, 2008

Docket No.: 65108(71526)

REMARKS

Claims 1-11 and 13-17 are pending in the instant application. Claim 12 remains canceled. Claim 11 has been amended. Support for the instant amendments can be found throughout the specification and in the claims as originally filed. No new matter has been introduced by the instant amendments.

Amendment of any claim herein is not to be construed as acquiescence to any of the rejections/objections set forth in the instant Office Action, and was done solely to expedite prosecution of the application. Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter.

As an initial matter, Applicants appreciate the indicating of allowable subject matter (i.e., claims 1-10 and 17 are allowed). Additionally, Applicants appreciate the comments provided by the Examiner during the telephonic discussion of July 8, 2008, and July 11, 2008.

Claim Rejections – 35 U.S.C. §102(b)

Claims 11 and 13-16 remain rejected under 35 U.S.C. §102(b), as allegedly being anticipated by Zhang et al. (Synthetic Communications, 2001, 31(8), pp 1129). It is alleged that Zhang teaches a compound of Applicants' claim 11, wherein "Q1, Q2 and Q3 each represent independently a bivalent atom (group) or a single bond providing that Q1, Q2 and Q3 do not represent single bond simultaneously." Specifically, it alleged that claims 11 and 13-16 are taught by compound 11 in Zhang, wherein two heteraryl groups are linked by a substituted methylene group.

Applicants traverse but have amended claim 11 to delete the recitation of "Q1, Q2 and Q3 each represent independently a bivalent atom (group)." The instant claims as amended are thus distinct from the teachings of Zhang. The rejection is overcome and withdrawal of the rejection is respectfully requested.

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Claims 11 and 13-16 remain rejected under 35 U.S.C. §102(b), as allegedly being anticipated by Bonnemann et al. (Synthesis, 1975, 9, pp 600). It is alleged that Bonnemann provides a compound wherein A two heteraryl groups are linked by a an alkyl group or a divalent aryl ring.


Applicants traverse but have amended claim 11 to delete the recitation of "Q1, Q2 and Q3 each represent independently a bivalent atom (group)." The instant claims as amended are thus distinct from the teachings of Bonnemann. The rejection is overcome and withdrawal of the rejection is respectfully requested.

In view of the above remarks, Applicants believe the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the Examiner is requested to telephone Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy.

The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 65108 (71526).

Dated: July 15, 2008

Respectfully submitted,

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